

(2)

973 Clark. ① Legal memo from Leg. Counsel  
 974 ACTION — avoid McC. Co's.  
 974 ② Agency Handbook.  
 975 ③ Memo re Mc Namara  
 978 ④ Stat. of Facts

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30 Jan. Tuesday.  
 1094 Mansfield - Effort to put over to Friday  
 Satterstaff objected, then Dirksen  
 to Thurs. Russell in the deal.  
 1115 Clark - Experience, Conflict of interests  
 Objectivity  
 1117 Courts ops should be revealed in Exec. Session  
 to Both parties & Both House & Senate.  
 1117 Advise Congress about re-organ. of CIA.  
 1117 Place under Sen. For. Relations.  
 1117 Liberal? Peace? Disarm.?  
 1117 Hopes Comm's will work out more adequate

- 1118 Clark Calls on Gov't ops. to investigate.
- 1118 Would support as Sec Dec or Sec AF, Navy, Army.
- 1118 Dist Stand. of Cal. stock -
- 1119 Pell Windows in Bldg.  
for Jt Comm.
- 1120 Symington - Reads memo on  
Conflict of Int. - LPH opinion.
- 1122 Mansfield. Revise Conf. of Int. Statutes
- 1124 Case - For. Bottoms - Tax Exemption
- 1125 Cal Ship. War Profits
- 1125 || "Hope that McCone will learn of  
my statements on Flew".
- 1126 Referring to Edmonstall's query on trust  
but sequence is mixed up as  
Case relates it. McCone did  
respond to Case's questions
- 1126 Bartlett - Aramco.
- 1128 Clark - Says LPH opinion superficial - compares  
to Leg. Couns. - However, both say the same.  
Wrongly quotes LPH - actually is Atty Gen'l.

Monday 29 January

884

12:05

and two ordinal

Mansfield asked that M. Cane  
nomination be placed at foot of calendar

894

Mansfield asked unanimous  
consent that the vote be taken at  
2 o'clock on Wed. 31 Jan in accord  
with a request received from a  
colleague - presumably Sen. Morse.

9

884

894

925

Mr. McCarthy first -

- 1- ranks in importance ahead of most cabinet departments -
- 2- Joint Committee
- 3- No regular reporting to Congress
- 4- Supervision

926

- 5- Harry James Ransome
- 6- Charles Wilson
- 7- Hanson Baldwin
- 8- Walter Lippmann
- 9- Allen Dulles
- 10- Congress, along with President, has responsibility for determining Foreign Policy.
- 11- C. I. A. head will take on great responsibilities and acquire great powers which insofar as Congress is concerned, he can exercise with little or no supervision.
- 12- Although the head of C. I. A. is not a member of the NSC, he briefs and then remains and participates in the discussions

- 13- Statutory basis -

→ specified broadly in

- operational guidelines are some two dozen codified NSC intelligence directives approved by the President.
- operational actions (U-2, Cuba) must be approved by Pres. who has had advice in part of a special NSC subcommittee on clandestine operations.
- Pres Bd of Consultants - 2nd potential check.
  - Chairmanship
- C. Sec. Verbal Sec'y to 3 major criticisms:

- ① Functions of
- ② Control by responsible authority
- ③ effecting operating organizations +
- ④ the problem of Sec'y.

14- "It is true CIA operates under Pres directives and is supervised in a general way or checked upon by interdepartmental groups from the NSC. They participate in both interpreting intelligence

operations" - But the principal

intelligence adviser and  
the highest authority  
remains the OCS who  
is armed with with  
extraordinary secrecy  
inside the Government  
and with a secret budget.

Ransome —  
15- Without careful policy  
guidance CDA may  
write its own ticket

927

16- Sen. Douglas - Moscow speech.

17- Allen - Byroade - Roosevelt

18- ~~perhaps~~ Perhaps in keeping with the  
operation of the Agency - no attempt  
to repudiate or to deny —

19- Wright Suppose action may well  
have been taken without the  
knowledge of Dir of CDA.

20- McCarthy Since Senate has a particular  
responsibility in the determination  
of the policies to be carried out  
by the State Department, we need  
to be particularly concerned to  
be sure that Central Intelligence  
is not carrying out a contrary  
policy.

*Could have been  
a bit of enlightenment  
on subject.*

21- ~~Sebrington~~

Senators would not wish to saddle any new incumbent to C.D. any possible mistakes of the past?

22- ~~McC~~

Sen's remarks were illus- of a possible situation in which both the President and the State Dept., as well as Congress would have been called upon to face an action which within had really approved.

23- ~~Sebrington~~

If Pres believes something has not gone well with C.D.A. would there be criticism for attempting to improve program through a change in management?

24- ~~Jackson~~

Does Senator McC imply lack of constitutional control over the head of C. D. A.

a- Head of C. D. A. is under the President and responsible to him and reports to the National Security Council. i.e. giving no constitutional control!

b- There is Congressional Control.

*Another question whether it might be better -*

c - we should be careful when we discuss any specific activities.

May unwittingly give aid and comfort to enemy in answer!

25 - Doyle Not betraying secrets with respect to any matters which were not already known, but inducing responsibility lay with CDA not the foreign service.

26 - Jackson There is plenty of room for a proper discussion of the organizational structure of CDA - however - I believe we should be careful about dealing with particular activities. McCarthy I appreciate the admonition -

28 - Sequiston I have heard something of this story with different interpretations - I do not know which is true - but no chance for CDA to affirm or deny -

29 - Jackson To affirm or deny Agency would have to enter public discussion which would itself be

925  
Was he again for into  
particulars of this  
point? see p. 929 47-  
- 925  
lost TP -

... of  
the Agency



929

P925

cut from whole cloth based on responsibility of Congress for "at least major foreign policy" decisions

30 - Mr. McCarthy's Thesis - a juridical question -

Reviewing procedure and fulfillment of duties of Congress

31 - ~~Saltschick~~ primary objective today is to determine whether nominee is qualified and to determine the question affirmatively or negatively. Then we can take up the question of procedure and determine whether the agency is fulfilling its duties - in execution. "I certainly would be very glad to be helped in trying to solve this problem because I have heard the subject discussed for the last 6 or 8 years."

32 - McCarthy - It is question of whether or not a kind of failure under the Constitution - in that Congress is not fully enough involved in preliminary decisions of major consequence

if the role is limited and supervised then we should not impose the same standards

929

b- ~~Springston~~ would not demand of authority and responsibility of DCS be the decision of the Pres.

c- <sup>MCC</sup> Yes!

d- <sup>MCC</sup> a character and ability - There is a clear obligation imposed on the Senate to pass an independent judgement.

e- <sup>MCC</sup> - We need to make a more careful examination of the nominee than we would if he were being apptd to some other position.

f- <sup>MCC</sup> - yrs of supervision and direction and effectiveness has been raised by a number of special courts and a number of special inquiries -

g- <sup>MCC</sup> Pres is nominal head of hundreds of agencies; he cannot be kept fully informed at all times of the activities of CIA.

h- Has CIA in the past carried out actions w/o

constitutional justification,

release of executive documents, decisions etc. an arbitrariness over board!

w/o auth of statute or of  
resolution or of treaty  
commitments - basic question  
of legality or constitutionality  
of procedure:

i- Supremacy Also mentioned before  
Armed Forces that Ambassador  
to Govt. told me he felt he had  
had the most to do with it.

j- MCE I do not question  
whether CDA or Ambassador  
did it - years of justification  
for the action in terms of  
some juridical basis  
remains open to questions  
in either case. I am  
not saying CDA was  
operating independently or  
without approval by the  
State Dept. The fundamental  
juridical question of control would  
exist even though the  
CDA was not involved  
in those activities, in  
which there was some  
involvement on the part  
of our Government itself.

k- Constitutional principles Chapman have some  
part in actions to overthrow  
Government.

930

1. <sup>McC</sup> Alternative proposals for  
 something called Security  
Central; or joint Com'te;  
 or For Rel's & For Affairs,

33- Mr. Gruening - Nominative  
to For Rel rather than Security  
Central -

34- Mr. McCarthy - The activities  
 of the Central Intelligence Agency  
 are more in the nature of power  
 in which the Foreign Relations  
Committee exercises jurisdiction -  
 also by tradition and legislative  
Security Central -

35- Johnson there is a heavy  
military committee (in Deptel RD)  
 which is Security Central and  
prior to Military Affairs Comtee

36- Saltanwall - CSA was set up  
 as a follow-on of the SS.

37- Gruening I hope Congress  
 will have the wisdom to  
 create an oversight  
 committee by which the  
Foreign Relations Committee and  
Security Central Committee may  
 monitor and control this

~~Agency which is now responsible  
to no committee of Congress and is  
unique in this respect~~

Basic Agency  
Legislation  
State & CIA  
unexamined  
functions

38- Sen McC - <sup>CDR</sup> Basic leg ~~was~~ developed  
in Armed Services was sound in terms  
of concept of CDR when drafted.  
- CDR is copying an activities  
which are far beyond what was  
contemplated when ~~drawn~~ - goes  
on to unexamined functions  
of CIA & State Dept.

931

39- Sen Baugh ~~gives~~ ~~whether~~ ~~Sen~~  
~~McCarthy~~ ~~for~~ ~~joint~~ ~~committee~~ is  
Sen Baugh - if Joint Center  
a- or if ref to Congress - how  
for drawn should it be disseminated  
b- McCarthy - Determination who  
should be given this in-  
formation is not a  
determination made by  
Congress except in rather  
vague language of the  
act which established CIA,  
but it is primarily a kind  
of selective determination by  
Government itself

- c- Saltan We have never been refused any information of any character for which we have asked. Would say we could do more (super-  
d- vizing) than we have done if we felt it were necessary - there has never been any limit of supervision provided us by the C.I.A. etc.
- 40- Quinn - advised by responsible members of foreign service that in certain countries C.I.A. operates w/ complete independence of Ch of Mission & that our diplomatic rep's are not even informed what C.I.A. agents are doing in the country.
- a- Saltan - I would say that
- # 41- Falbriger - what does law require by way of reporting to any country?

932

- 42- McCarthy - qualifications for a D.C.I.
- a- D.C.I. should be more interested in finding evidence and passing obj. judgment on it than in attempting to polarize opinions or to support a set position.

proceed under one roof the separate

functions of intelligence collection, its analysis and underground foreign political action. — It would be unwise to attempt to match the proficiency of Communist regimes in subversion as the avenue to the attainment of national objectives. There is no point in America's fighting totalitarianism by imitating it.

4/3-

Aspinwall who is Mr. Pussan —  
has no intel. experience —  
a- Mr. Carthy - Vanderbilt College Staff.  
He has written what I believe  
is perhaps the most thorough book  
dealing into the whole question  
of the organization and the  
operation of the Central Intel.  
Agency —

4/4-

Falbrigh - On separation of  
the functions —

a- question before the Senate is  
not whether CIA properly  
constituted but whether after

b- I am fearful that this body

will not have opportunity to  
pass on the question of a  
joint committee or other  
committee which equally would  
have responsibility for  
the supervision of C.I.A.

c- Mr. Carthy I agree

933

44- Mr. Carthy - Discussion of Qualifica-  
tions "to exercise control over C.I.A."

a- should be a man who has  
taken a stand or at least who  
has views on some of the  
broad and complicated policy  
questions that have been posed.

b- Constitutionality of Agency activities  
No full or pertinent answer was  
made by the chairman

c- As to methods which can  
be used by the Agency - Dies is  
a guy and I know and one  
in which I did not expect  
a specific moral judgment or  
a firm ethical declaration.

934

Letter to Mr. Russell from Mr. McCann re  
questions posed by Mr. Carthy



935

46- Sattarstall placed 102(d) in  
Revol

47- MCC - fears of constitutionality  
 would arise to determine whether  
 CDA performed duties which  
 Nat'l Sec Council had not directed,  
 and also whether NSC may have  
 directed things which were  
 extra-constitutional and in  
 which proper participation  
 of Congress itself was not  
 provided for.

48- MCC Perhaps should look  
 for representation from  
 Congress on the NSC. This  
 might be an alternative to  
 a joint committee —

49- Bartlett - favorably  
 impressed by Mr McCone's  
 statement to House Jones that  
 Agency <sup>chief purpose</sup> ~~was primarily~~ <sup>is</sup> a  
 gathering of facts —

50- Springston Merit in  
 in suggestion for congressional  
 representation on the Nat'l Sec  
 Council — and hope Sec from this  
 will develop some of the things let  
 her has on the idea —

936

51- McCarthy - in confirmation

52- Fulbright re for policy views  
of Mr. McCar -

937

53- McCarthy - This raises a  
rather serious question in  
regard to what is the <sup>real</sup> ~~sole~~ role  
of the Senate in regard to acting  
on the question of confirming  
a presidential nominee -  
for instance whether the  
Senate is to take the position  
that the point of view of the  
nominee has no relationship  
to the question of confirmation  
and should not be inquired  
into -

54- Saltszstall - Policy views by  
Mr. Car would affect his  
vote -

55- McCarthy - Agency has been a  
policy making one and has  
had great influence on policy.

56- Scientists - discovery -

935

same as 45 on p. 934  
57- ltr to Russell

p 939-40

58- Roussau - Secret Mission  
in an open society -

941

59- Hibson - Conflict of Interest  
a- statutes - This nomination  
directs attention to the fact that  
without undue delay both the  
House and the Senate now  
ought to direct efforts to the  
business of removing the conflict  
- of interest statutes with  
which we are presently dealing.

942

60- San Anderson - arguing by  
JCEAE

943

61- Symington - Mr. Case willing  
to do whatever JCEAE desired -

944-5

62- JCEAE extract & coming  
letter -

946

63- Jackson - not conflict of interest  
concern but concern for his hard  
tough policy in relation to Sore Union

a- hard policy in diff. decisions  
made in case of crisis security affecting  
our relations with Sore Union

973-4

- 44- Clark - memo of Senate by  
① Counsel for Sen Clark -

974

- 45 Clark - Submission of Army  
rules on employees conduct -  
② a - Springton - document was  
not furnished nominee -  
b - Sym - Nominee completely  
willing to abide by rules  
of center -

975-6-7

- 46- Clark - McManis memo  
③

978

- ④ 67- Statement of facts from Clark  
staff -

Tuesday - 30 Jan - 62

1094

- 1 - Mansfield up for union vote to delay vote to 2 PM Friday
- 2 - Salomstall obj -
- 3 - Mansfield to 2 PM Thursday
- 4 - Disban obj. and offer to join with (quose)

1115

- 1 - Block - function as to testifies he was never -
- 5 - women's experience,
- 6 - Good judgment in terms of this particular job -
- 7 - expertise of interest - action serious legal question
- 8 - Should be req to disprove of standard oil of Calif. the three previous Sen's
- 9 - had intel. experience -

1116

a - any number of military for in case of something assignment of interest in prosecution

- 9 - Description of young functions
- 10 - ① Pres ② Sec of State and ③ at least some members of Congress - and Congress has the power to declare war - should have knowledge in advance and should be kept currently informed as to what the "Department of State" is doing

#

1117

a - in this session or by put come to important numbers on both sides of the

1117

10-b That the DCD plays no part

in policy making - heavy to turn in  
collection - evaluation and dissemination  
creation of intelligence; or with  
respect to his secondary function,  
coordination of that work with  
the work of other agencies of the  
Government and private interests.

But as to current operations DCD  
does make policy which may  
affect the lives and the wealth  
of many Americans.

11 Question whether there is  
not a much stronger case for  
having the overseas intelligence  
functions under the For Rel Center  
than under Arms and Services.

12 Mr. Carthy - Reports by CDA  
to Armed Services Center is not a  
matter of determination of law  
itself but is a choice which  
is made by the executive.

a - Agency itself - only leg. control  
exercised under statute arise from  
fact that every exec. Agency must  
come at some time for appropriations

13 Clock - testimony in <sup>Senate</sup> ~~House~~ to indicate

over the Agency or intelligence generally

1118

a- Subsection (i) of same rule XXV under functions of the Center on For Rel's, the first subsection is "Relations of the U.S. with For Nations generally - report on which relations is the principle function of C.I.A.

b- Leadership should give consideration to whether jurisdiction should not be moved to under the For Rel's Center.

c- Would hope Law & Ops would undertake a very careful investigation of L&O in very near future (1) to assess effectiveness of operation (2) extent it should be non-gauged if at all (3) whether <sup>"Dept of duty trust"</sup> extent & provisions should be separated from intel gathering functions

14 "I suspect Mr McCane is not a man of judicial temperament"

a- Would support <sup>McCane</sup> for Sec Def or Sec Army or Sec War or Sec Air but suspect doubt with man of the temperament of an advocate is the proper mind -

b- As long as amplified of interest

enforced - almost a constraint

11/17

that McCane Stand of Calif  
million holding is both a  
legal violation of the conflict  
of interest laws but also a  
very unwise holding for him to  
continue. I hope he will  
divest himself of sale -  
sacrifice - substantial loss -  
unfair

d- McCann refused to sell and  
Armed Services Committee did not  
feel trust would remove  
conflict

1119

15- Symington Makes no distinction  
between Bureau of Agency -  
he offered both times to both  
holding of Senate committee (JCRA  
+ Armed Services)

a- If a criticism left to continue  
holding standard should be  
lodged against committee on  
Armed Services

16- Elcock Every well informed American  
knows American Oil Companies  
\* are deep in politics of middle  
East. Elcock is  
deep in politics of middle East.



Clark profile

17. Clark nominee not qualified by temperament - a protagonist or advocate - his view - that raw reliance on military strength is a better policy - because holding of Stand of Calif violates law with respect to conflict of interest - I oppose nomination

18. Pell Altham for nomination associates self with reorganization committee of Clark & McEathy - (inroads)

1 - reduction in size 2 - separation of collection from operations 3 - watchdog center - because absolute power corrupts absolutely, but unwatched absolutely power corrupts even more absolutely -

1120 - LRH

19. Seymour - more on conflict of interest - & LRH opinion

a. " If there is any difference it is a difference

handle his holdings as the estate business desirable - Mr. McEathy has agreed to

1120

20 - Smathers - Mr McC

outstanding qualifications, his  
tired ability and unperman-  
ent character are matched by  
few men

I have carefully read history  
before center on around June  
in nomination of June 17  
McCorm to be Dir of CDA  
and have concluded that  
in the light of his background  
and wide range of  
experience in positions  
of high public trust  
under both Demo & Repub  
administrations, that the  
people of the United States  
are indeed fortunate to  
obtain his services over  
again

profile

1127

21 - Mansfield - endorsement  
of woman -

1128

a. Conflict of interest  
regulation - to revision

profile

22 - Low (S.O.) 1. goes if tax status

1129

u- for. play. 2- For corporations

1125

- b- 3- Oil ship building
- c- 4- WW II profits
- d- 5- exemption from operation of registration statute.
- e- 6- Maritime Com. presumed to exempt operations for registration statutes.
- f- "Hope Mr M' Case will know of my statements on floor"
- g- Should like to know whether or not for corp's and ops under for plays has exempted all of the income from liability for taxes of the U.S.
- h. in context of distinct questions:
  - ① What are a man's interests?
  - ② What is his background?
  - ③ Is he objective?

1125-4  
con  
profile

1126

23- Bartlett - I came away from the Comtee hearing with the idea that it is a devoted man and a man of integrity according to the

Barthett -  
a- Memo - my feelings  
are so close to being  
identical with his (Case 50)  
and I too do not know at  
this time how I shall  
finally vote.

11.28

24-

Clark - L R H opinion  
superficial & not persuasive.  
suggests wiser legal  
guide is (U.S. v Miss. Valley  
Smoking Co, 344 U.S. 520 1941)  
Supreme Court.